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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,458	07/31/2000	Phillip C. Keslin	1034.00	5371

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STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,458

Applicant(s)

KESLIN, PHILLIP C.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-21 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to RCE received 08/19/2004.
2. The disposition of the claims is as follows: claims 1-21 are pending in the application. Claims 1, 6, and 15 are the independent claims. Claims 6-21 were allowed in prior office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(a) as being disclosed by Dye et al., (US Patent 6,802,053), hereinafter Dye.

A. Claim 1, "A system for providing a client with access to remote graphics rendering resources at a server [Abstract - System and method enabling client computer(s) to connect to a server computer and receive a graphical program user interface panel(s)] the server comprising: a graphics application, at the server, wherein said graphics application receives commands from the client [Abstract - ...for providing input to and/or displaying output from the graphical program, thereby comprising a distributed virtual instrumentation system]; and a remote rendering control system, at the server, that receives graphics instructions from said graphics application, generates modified graphics instructions on the basis of said instructions, and outputs said modified graphics instructions to the remote graphics rendering resources [Abstract ,

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wherein a block diagram executes on a server computer to perform a measurement or automation function, and the panel(s) is/are displayed on the client computer(s), enabling users to remotely view and/or control the function. The user may specify the server, i.e., by entering a URL into a web browser and may also specify the graphical program desired. The user interface panel may be dynamically updated during execution of the program. The user may interact with the panel on the client computer to provide input to the graphical program executing on the server, and may also request and receive a block diagram for the remote graphical program, e.g., to view and/or remotely edit the program.]” is disclosed by Dye [as detailed] and in [col. 1, lns 20-31; col. 5, lns. 28-39]. Wherein [user interface panel may be dynamically updated] corresponds to “generates modified graphics instructions on the basis of said instructions, and outputs said modified graphics instructions to the remote graphics rendering resources”.

B. Claim 4, “The system of claim 1, wherein said remote rendering control system receives image data generated by the remote graphics rendering resources on the basis of said modified graphics instructions, and sends said image data to the client” is disclosed supra for claim 1. Wherein [user interface panel may be dynamically updated] corresponds to “remote rendering control system receives image data generated by the remote graphics rendering resources” and [The user may interact with the panel on the client computer to provide input to the graphical program executing on the server, and may also request and receive a block diagram for the remote graphical program, e.g., to view and/or remotely edit the program] corresponds to “on the basis of said modified graphics instructions, and sends said image data to the client”.

C. Claim 5, “The system of claim 1, wherein said remote rendering control system receives graphics instructions from said graphics application in response to said commands from the

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client” is disclosed supra for claim 1. Wherein [The user may interact with the panel on the client computer to provide input to the graphical program executing on the server, and may also request and receive a block diagram for the remote graphical program, e.g., to view and/or remotely edit the program] corresponds to “remote rendering control system receives graphics instructions from said graphics application in response to said commands from the client”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dye, as applied to claim 1 above, and further in view of Scholl et al., (US Patent 6,145,001), hereinafter Scholl.

A. Claim 2, “The system of claim 1, wherein said remote rendering control system comprises a transparent interface to said graphics application, and wherein said transparent interface supports initialization of a graphics rendering session and accommodates client parameters during said graphics rendering session [Dye - col. 4, lns 47-61] and [Scholl – Abstract, The present invention provides a unified, remote, graphical, transparent interface for Web users, working at a Web client, to a variety of managed networks. The present invention receives requests from a Web client forwarded by a Web server and interacts with the managed networks and their associated objects to obtain information]” is disclosed by Dye supra for claim 1 and [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply “Graphical programming system with distributed block diagram execution and front panel display” disclosed by Dye in combination with “Network management gateway” disclosed by Scholl, and motivated to combine the teachings because it would “It would thus be desirable to provide a general system and method for enabling various types of graphical programs having various types of user interface panels to export their user interface panels as described above, with a minimal amount of programming effort. It may also be desirable to provide the above capabilities using common networking and software standards so that users working on various types of computing platforms could connect to the remote computer running the graphical program, view the user interface panel of the graphical program, and possibly also use the user interface panel to remotely use or control the graphical program. It may also be desirable to require users to install a minimal amount of client software in order to gain these abilities, and/or to enable the necessary client software to be automatically downloaded and installed” as revealed by Dye in col. 3, line 66 – col. 4, line 13.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dye, as applied to claim 1 above, and further in view of Perlman et al., (US Patent 6,424,342), hereinafter Perlman.

A. Claim 3, “The system of claim 1, wherein image data is produced from said modified ... said image data to the client [Perlman - col. 6, lns. 7-15 and col. 14, lns. 41-52]” is disclosed by Dye supra for claim 1 and [as detailed]. Wherein [JPEG compression standard and remote server that provide graphical image data] corresponds to “wherein remote rendering control system comprises a data compression module”.

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply "Graphical programming system with distributed block diagram execution and front panel display" disclosed by Dye in combination with "Decompressing and compositing graphical image data" disclosed by Perlman, and motivated to combine the teachings because it would provide for "systems and methods that do not require decompression and storage of the full volume of compressed image data prior to the steps of mapping and compositing the data in preparation for refreshing an image on a display screen" as disclosed by Perlman in col. 2, lns. 47-51.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

J. F. Cunningham, Examiner

gfc

October 15, 2004

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600